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U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. 3000
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

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FILE: [Redacted] Office: LOS ANGELES Date: JUN 27 2008

IN RE: Obligor: [Redacted]
Bonded Alien: [Redacted]

IMMIGRATION BOND: Bond Conditioned for Voluntary Departure under § 240B of the
Immigration and Nationality Act, 8 U.S.C. § 1229c

ON BEHALF OF OBLIGOR: Self-represented

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

A handwritten signature in black ink, appearing to read "Maignan" or similar.

2 Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The voluntary departure bond in this matter was declared breached by the Field Office Director, Detention and Removal, Los Angeles, California, and is now before the Administrative Appeals Office on appeal. The appeal will be rejected.

The record indicates that on November 18, 2004, an immigration judge (IJ) issued an order granting the alien voluntary departure in lieu of removal on or before January 18, 2005. On November 22, 2004, the obligor posted a \$500.00 bond conditioned for the voluntary departure of the above referenced alien. The bonded alien appealed the IJ's decision to the Board of Immigration Appeals (BIA). On December 28, 2005, the BIA affirmed, without opinion, the IJ's decision and granted the alien voluntary departure within 60 days from the date of the order. On January 13, 2006, the alien filed a petition for review before the United States Court of Appeals for the Ninth Circuit (Ninth Circuit). On March 13, 2006, the Ninth Circuit dismissed the petition for review for lack of jurisdiction and issued its mandate on April 4, 2006. On November 7, 2006, the field office director concluded that the bond had been breached.

The appeal has been filed by the bonded alien's attorney. Only an affected party, a person or entity with legal standing may file an appeal of an unfavorable decision. The alien and the attorney are without standing in this proceeding. 8 C.F.R. § 103.3(a)(1)(iii)(B).

An immigration bond is a contract between Immigration and Customs Enforcement (ICE) and the obligor. The obligor or her attorney-in-fact is the proper party to appeal the ICE decision to breach the bond. *See Matter of Insurance Company of North America*, 17 I&N Dec. 251 (Act. Reg. Comm. 1978).

The regulations provide that an appeal filed by a person or entity not entitled to file it must be rejected as improperly filed. In such a case, any filing fee ICE has accepted will not be refunded. 8 C.F.R. § 103.3(a)(2)(v)(A)(1).

ORDER: The appeal is rejected.